

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

YOLANDA SINGLETON,	§	
	§	
Petitioner,	§	
v.	§	CIVIL ACTION H-05-3269
	§	
JOYCE FRANCIS, <i>Warden, et al.</i> ,	§	
	§	
Respondents.	§	

MEMORANDUM ON DISMISSAL

Petitioner filed this action under 28 U.S.C. § 2241. When she filed this case she was incarcerated in the Federal Prison Camp in Bryan, Texas. She challenges the U.S. Bureau of Prisons' (BOP) policy on placement in a community confinement center or halfway house during the latter part of her sentence of imprisonment and requested transfer to a community confinement center.

On July 27, 2006, Respondent filed a Motion to Dismiss based on mootness [Docket Entry No. 19]. Respondent submitted evidence that Petitioner was transferred to the Faith Community Corrections Center on July 5, 2006. BOP records show that Petitioner is no longer held in the Federal Prison Camp in Bryan, Texas. Petitioner has not disputed Respondent's assertion and showing that Petitioner has been transferred to a community confinement center.

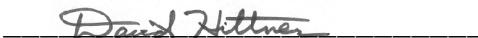
This case is now moot. *See Lewis v. Continental Bank Corp.*, 494 U.S. 472,

477-78 (1990) (Article III of the Constitution requires a live case or controversy at all stages of the judicial proceedings and federal courts must not decide questions that cannot effect the rights of litigants); *also see Bailey v. Southerland*, 821 F.2d 277, 278-79, (5th Cir. 1987) (prisoner's habeas challenge to his custody is mooted by release from prison). This case should be dismissed as moot.

Accordingly, Respondent's Motion to Dismiss [Docket Entry No. 19] is GRANTED. Petitioner's habeas corpus application is DISMISSED as moot. All other pending motions and requests for relief are DENIED as moot.

This Court finds that Petitioner has not made a substantial showing that reasonable jurists "would find it debatable whether the district court was correct in its procedural ruling." *Beasley v. Johnson*, 242 F.3d 248, 263 (5th Cir.) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), *cert. denied*, 534 U.S. 945 (2001). A Certificate of Appealability will not issue.

SIGNED at Houston, Texas, on this 2nd day of August, 2006.



DAVID HITTNER

United States District Judge

